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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,256

01/05/2004

Louis B. Cohen

1051-4

3863

7590

07/20/2006

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EXAMINER

WEAVER, SUE A

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/751,256

Applicant(s)

COHEN, LOUIS B.

5

Examiner

Sue A. Weaver

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 and 11, drawn to luggage with wheels, handle and a removable drawer, classified in class 190, subclass 18A.
  - II. Claim 2, drawn to luggage with wheels, a handle, a drawer and a removable shelf classified in class 190, subclass 110.
  - III. Claim 3, drawn to luggage with wheels, a handle, a removable drawer and a coat hook with the handle, classified in class 16, subclass 903.
  - IV. Claim 4, drawn to luggage with wheels, a handle, a removable drawer and a closet rod formed by the handle, classified in class 16, subclass 408.
  - V. Claim 5, drawn to luggage with wheels, a handle, a removable drawer and a fold out table, classified in class 190, subclass 11.
  - VI. Claims 6 and 7, drawn to luggage with wheels, a handle, a removable drawer, an externally accessible freshen kit and drawer, classified in class 190, subclass 111.
  - VII. Claim 8, drawn to luggage with wheels, a handle a removable drawer and a digital alarm clock, classified in class 368, subclass 10.
  - VIII. Claim 9, drawn to luggage with wheels, a handle, a removable drawer and an identification plaque, classified in class 40, subclass 6.

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- IX. Claim 10, drawn to luggage with wheels, a handle, a removable drawer and an externally accessible pouch, classified in class 190, subclass 108.
- X. Claims 12 and 18, drawn to luggage with wheels, a handle, a table, a hook on the handle forming a closet rod, a removable shelf and a removable drawer, classified in class 312, subclass 268.6.
- XI. Claims 13 and 14, drawn to luggage with wheels, a handle with a hook and a closet rod, a table, a removable shelf, removable drawer and externally accessible pouch and drawer, classified in class 312, subclass 249.11.
- XII. Claim 15, drawn to luggage with wheels, a handle having a coat hook and a closet rod, a table, a removable shelf, a removable drawer and a digital alarm clock, classified in class 312, subclass 237.
- XIII. Claim 16, drawn to luggage with wheels, a handle with a coat hook and closet rod, a table, a removable shelf, a removable drawer and an identification plaque, classified in class 312, subclass 234.
- XIV. Claim 17, drawn to luggage with wheels, a handle with a coat hook and closet rod, a table, a removable shelf, a removable drawer and an externally accessible pouch, classified in class 312, subclass 237.

The inventions are distinct, each from the other because of the following reasons:

- 2. The inventions are independent or distinct, each from the other because:

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3. Inventions of each of Groups I and Groups II-XIV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination of Group I has separate utility such as use as a tool chest while the subcombination of Group V has use as a hobby work station and the sub combination of Group X for example has use as a portable sewing station. See MPEP § 806.05(d).

4. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Receipt of applicant's IDS is acknowledged. The references will be considered with the application is take up for an action on the merits.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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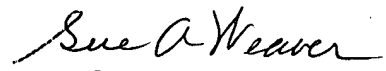
Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (571) 272-4548. The examiner can normally be reached on Tuesday-Friday from 6 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor is Nathan Newhouse. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW

  
**SUE A. WEAVER**  
**PRIMARY EXAMINER**  
**GROUP 3200**